

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.18123 of 1997

Dated: 21.3.2007

Between:

N.Shyam Rao and others.

... Petitioners

AND

The Executive Director,
Karimnagar Zone, APSRTC,
Karimnagar district.

And another.

... Respondents

THE HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.18123 of 1997

ORDER:

This writ petition is filed questioning the proceedings dated 11.7.1997 whereby 15 persons were directly selected for promotion to the post of Junior Assistants.

The case of the petitioners is that they appeared for written test in the year 1993 for promotion to the post of Junior Assistants, after putting in seven years of service as conductors. Subsequently in the year 1997 another written test was conducted for similar purpose. The respondent-Corporation at that time specified that those who have already passed the earlier test need not appear. Therefore, the petitioners did not appear for the test conducted in the year 1997. However, the petitioners' grievance is that in the common seniority list prepared they were shown below certain persons who passed the test in the year 1997.

Heard Sri K.Ashok Reddy, learned counsel for the petitioners and Sri Phani Kumar appearing for Smt.P.Rajini Reddy, for APSRTC, the respondents herein.

From the pleadings and the rival contentions, it appears that the grievance of the petitioners is that the persons who have been shown as seniors to the petitioners had appeared and passed written test in the year 1997. The petitioners also questioned the notification dated

11.7.1997 by which the persons who passed the written test in the year 1997 are directly selected for promotion to the post of Junior Assistant.

Before entering into the merits of the case, it is to be seen as to whether the writ petition filed questioning the inter se dispute of seniority and questioning the selection of the so called juniors of the petitioners can be entertained. In the event any relief is granted to the petitioners, it would lead to the inevitable consequence of altering the seniority to the detriment of the persons who are already shown as seniors in the present seniority list and it may also lead to denial of employment to the persons who are already shown as directly selected. Therefore all those persons whose interests are likely to be affected are necessary and proper parties to this writ petition. Since they are not made parties to this writ petition no relief can be granted to the petitioners. On this ground alone the writ petition is liable to be dismissed and it is accordingly dismissed. It is needless to say that the petitioners are entitled to be considered for promotion as Junior Assistants in their turn.

C.V.NAGARJUNA REDDY,J

Dt:21.3.2007

Mdaa.